

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

CINDY TOMLINSON,

Plaintiff,

v.

Case No. 8:21-cv-1344-TPB-JSS

FLORIDA WHOLESALE
DISTRIBUTORS, INC. d/b/a ABE
PAINTS and ROBERT WATSON,

Defendants.

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ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on consideration of the report and recommendation of Julie S. Sneed, United States Magistrate Judge, entered on February 11, 2022. (Doc. 21). Judge Sneed recommends that the “Joint Motion to Approve Settlement and to Dismiss Case with Prejudice” (Doc. 19) be granted in part and denied in part, and the case be dismissed with prejudice. Specifically, Judge Sneed recommends that the settlement agreement and release be approved, with the exception of the individual remedies release (section 4(b)), class action waiver (section 4(c)), and non-disparagement clause (section 8). Judge Sneed further recommends that the Court dismiss Plaintiffs’ claims with prejudice. No party has filed an objection, and the time to object has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate

judge's report and recommendation. 28 U.S.C. § 636(b)(1); 718 F.2d 198, 199 (4th Cir. 1983); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). A district court must "make a de novo determination of those portions of the [report and recommendation] to which an objection is made." 28 U.S.C. § 636(b)(1)(C). When no objection is filed, a court reviews the report and recommendation for clear error. *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006); *Nettles v. Wainwright*, 677 F.2d 404, 409 (5th Cir. 1982).

Upon due consideration of the record, the Court adopts the report and recommendation. The Court agrees with Judge Sneed's detailed and well-reasoned factual findings and legal conclusions. Consequently, Plaintiff's motion for default judgment is granted in part and denied in part.

Accordingly, it is

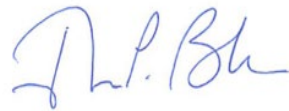
ORDERED, ADJUDGED, and DECREED:

- (1) Judge Sneed's report and recommendation (Doc. 21) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) "Joint Motion to Approve Settlement and to Dismiss Case with Prejudice" (Doc. 19) is hereby **GRANTED IN PART** and **DENIED IN PART**.
- (3) The Settlement Agreement and Release (Doc. 20-1) are **APPROVED**, with the exception of the individual remedies release (section 4(b)), class action waiver (section 4(c)), and non-disparagement clause (section 8).
- (4) The individual remedies release, class action waiver, and non-disparagement

clause of the Settlement Agreement are **STRICKEN**.

- (4) Plaintiff's claims against Defendants are **DISMISSED WITH PREJUDICE**.
- (5) The Clerk is directed to terminate any deadlines and thereafter close this case.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 28th day of February, 2022.



TOM BARBER
UNITED STATES DISTRICT JUDGE